


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Jc963 U.S. PRO

lease type a plus sign (+) inside this box → 

11/16/01

PTO/SB/05 (11-00)

Approved through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

|                        |  |
|------------------------|--|
| Attorney Docket No.    | 7000-107   |
| First Inventor         | Au et al   |
| Title                  | SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE SUPPORT |
| Express Mail Label No. | EL873243416US  |

11/16/01  
10/050091  
J1050 U.S. PRO

| APPLICATION ELEMENTS   | ADDRESS TO:   |
|--|---|
| See MPEP chapter 600 concerning utility patent application contents  | Assistant Commissioner for Patents<br>Box Patent Application<br>Washington, DC 20231  |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br>(Submit an original and a duplicate for fee processing)   | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)   |
| 2. <input type="checkbox"/> Applicant claims small entity status.<br>See 37 CFR 1.27.  | 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 16]<br>(preferred arrangement set forth below)<br>- Descriptive title of the invention<br>- Cross References to Related Applications<br>- Statement Regarding Fed sponsored R & D<br>- Reference to sequence listing, a table, or a computer program listing appendix<br>- Background of the invention<br>- Brief Summary of the invention<br>- Brief Description of the Drawings (if filed)<br>- Detailed Description<br>- Claim(s)<br>- Abstract of the Disclosure | a. <input type="checkbox"/> Computer Readable Form (CRF)<br>b. Specification Sequence Listing on:<br>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or<br>ii. <input type="checkbox"/> paper<br>c. <input type="checkbox"/> Statements verifying identity of above copies |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 3 sets of 3]   | <b>ACCOMPANYING APPLICATIONS PARTS</b>  |
| 5. Oath or Declaration [Total Pages 2]<br>a. <input checked="" type="checkbox"/> Newly executed (original or copy)<br>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d))<br>(for a continuation/divisional with Box 18 completed)<br>c. <input type="checkbox"/> DELETION OF INVENTOR(S)<br>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)  | 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))  |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76  | 10. <input checked="" type="checkbox"/> 37 C.F.R. § 37.73(b) Statement [X] Power of Attorney<br>(when there is an assignee)   |
|  | 11. <input type="checkbox"/> English Translation Document (if applicable)   |
|  | 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 [X] Copies of IDS Citations   |
|  | 13. <input type="checkbox"/> Preliminary Amendment  |
|  | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  |
|  | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)  |
|  | 16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  |
|  | 17. <input type="checkbox"/> Other: _____   |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

|   |                                     |   |  |
|---|-------------------------------------|---|--|
| <input type="checkbox"/> Continuation         | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) | of prior application No. _____ / _____ |
| Prior application information: Examiner _____ |                                     |   | Group / Art Unit _____                 |

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

|  |                                  |  |                   |
|--|----------------------------------|--|-------------------|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label<br>(Insert Customer Number or Bar code label here) |                                  | or <input type="checkbox"/> Correspondence address below |                   |
| Name   | 27820<br>PATENT TRADEMARK OFFICE |  |                   |
| Address  |                                  |  |                   |
| City   | State                            | Zip Code   |                   |
| Country  | Telephone                        | Fax  |                   |
| Name (Print/Type)  | Benjamin S. Withrow              | Registration No. (Attorney/Agent)                        | 40,876            |
| Signature  | Date                             |  | November 16, 2001 |

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

The PTO did not receive the following listed item(s)

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

**Complete if Known****TOTAL AMOUNT OF PAYMENT (\$)** 1014

Application Number

Filing Date

November 16, 2001

First Named Inventor

Au et al

Examiner Name

Group / Art Unit

Attorney Docket No

7000-107

**METHOD OF PAYMENT (check one)**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to

Deposit  
Account  
Number

50-1732

Deposit  
Account  
Name

Withrow &amp; Terranova, P L L C

☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status.  
See 37 CFR 1.272. ☒ Payment Enclosed☐ Check ☒ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101                  | 740                   | 201                  | 370                   | Utility filing fee     | 740      |
| 106                  | 330                   | 206                  | 165                   | Design filing fee      |          |
| 107                  | 510                   | 207                  | 255                   | Plant filing fee       |          |
| 108                  | 740                   | 208                  | 370                   | Reissue filing fee     |          |
| 114                  | 160                   | 214                  | 80                    | Provisional filing fee |          |

**SUBTOTAL (1)**

(\$ 740)

**2. EXTRA CLAIM FEES**

|                    |    |       |   |    |   |    |   |     |
|--------------------|----|-------|---|----|---|----|---|-----|
| Total Claims       | 33 | -20** | = | 13 | X | 18 | = | 234 |
| Independent Claims | 3  | -3**  | = | 0  | X | 84 | = | 0   |
| Multiple Dependent |    |       |   |    | X |    | = | 0   |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20                                     |
| 102                  | 84                    | 202                  | 42                    | Independent claims in excess of 3                          |
| 104                  | 280                   | 204                  | 140                   | Multiple dependent claim, if not paid                      |
| 109                  | 84                    | 209                  | 42                    | ** Reissue independent claims over original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)**

(\$ 234)

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)**

| Fee<br>Code | Large<br>Entity<br>Fee<br>(\$) | Fee<br>Code | Small<br>Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid |
|-------------|--------------------------------|-------------|--------------------------------|--|----------|
| 105         | 130                            | 205         | 65                             | Surcharge - late filing fee or oath  |          |
| 127         | 50                             | 227         | 25                             | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139         | 130                            | 139         | 130                            | Non-English specification  |          |
| 147         | 2,520                          | 147         | 2,520                          | For filing a request for reexamination                                     |          |
| 112         | 920*                           | 112         | 920*                           | Requesting publication of SIR prior to Examiner action                     |          |
| 113         | 1,840*                         | 113         | 1,840*                         | Requesting publication of SIR after Examiner action                        |          |
| 115         | 110                            | 215         | 55                             | Extension for reply within first month                                     |          |
| 116         | 400                            | 216         | 200                            | Extension for reply within second month                                    |          |
| 117         | 920                            | 217         | 460                            | Extension for reply within third month                                     |          |
| 118         | 1,440                          | 218         | 720                            | Extension for reply within fourth month                                    |          |
| 128         | 1,960                          | 228         | 980                            | Extension for reply within fifth month                                     |          |
| 119         | 310                            | 219         | 155                            | Notice of Appeal   |          |
| 120         | 310                            | 220         | 155                            | Filing a brief in support of an appeal                                     |          |
| 121         | 270                            | 221         | 135                            | Request for oral hearing   |          |
| 138         | 1,510                          | 138         | 1,510                          | Petition to institute a public use proceeding                              |          |
| 140         | 110                            | 240         | 55                             | Petition to revive - unavoidable   |          |
| 141         | 1,240                          | 241         | 620                            | Petition to revive - unintentional   |          |
| 142         | 1,240                          | 242         | 620                            | Utility issue fee (or reissue)   |          |
| 143         | 440                            | 243         | 220                            | Design issue fee   |          |
| 144         | 600                            | 244         | 300                            | Plant issue fee  |          |
| 122         | 130                            | 122         | 130                            | Petitions to the Commissioner  |          |
| 123         | 50                             | 123         | 50                             | Petitions related to provisional applications                              |          |
| 126         | 180                            | 126         | 180                            | Submission of Information Disclosure Stmt                                  |          |
| 581         | 40                             | 581         | 40                             | Recording each patent assignment per property (times number of properties) | 40       |
| 146         | 710                            | 246         | 355                            | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149         | 710                            | 249         | 355                            | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179         | 710                            | 279         | 355                            | Request for Continued Examination (RCE)                                    |          |
| 169         | 900                            | 169         | 900                            | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 40)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)

Benjamin S. Withrow

Registration No. Attorney/Agent

40,876

Telephone

919-654-4520

Signature

Date

November 16, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Au et al.*

Serial No. TBA

Filed: 11/16/2001

For: **SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE  
SUPPORT**

Commissioner for Patents  
Box FILING DATE  
Washington, D.C. 20231

Sir:

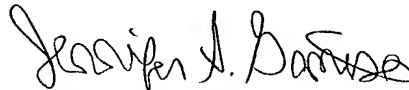
**REFUSAL OF EXPRESS MAIL BY UNITED STATES POSTAL SERVICE**

On November 16, 2001, I attempted to send the above-referenced application via the United States Postal Service's "Express Mail to Addressee" service from the post office in Cary, North Carolina. The Express Mail package was refused by the postal service. Accordingly, the Director is hereby requested to afford the enclosed application a filing date of November 16, 2001.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Jennifer A. Garrison  
Paralegal

Withrow & Terranova, P.L.L.C.  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: November 19, 2001  
Attorney Docket: 7000-107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:


CERTIFICATE OF MAILING/EXPRESS MAIL

"Express Mail" Mailing Label Number EL873243416US

Date of Deposit November 16, 2001

I hereby certify that this paper, which is a Utility Patent Application entitled  
**SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE SUPPORT**  
(our file 7000-107), and the attached fee are being deposited with the United States Postal  
Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date  
indicated above and is addressed to the Commissioner for Patents, Box Patent Application,  
Washington, D.C. 20231.

Mailed By:

  
Jennifer Rush

EL873243416US